

**In the United States District Court  
for the Southern District of Georgia  
Brunswick Division**

STATE OF GEORGIA,

Plaintiff,

v.

AUSAR TEHUTI-EL, ex. Rel. Bruce  
Jackson,

Defendant.

CV 222-056

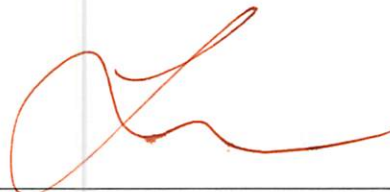
**ORDER**

Defendant Ausar Tehuti-El filed an "Affidavit Notice of Removal" on June 21, 2022, thereby initiating this federal action. Dkt. No. 1. Tehuti-El avers the action was originally filed in Appling County Superior Court, id. at 2, 3, and he asserts jurisdiction is proper under both 28 U.S.C. § 1331 (federal question) and § 1332 (diversity of citizenship), dkt. no. 1 at 1. For the reasons below, this case is **REMANDED** to state court.

Despite Tehuti-El's removal of this action on June 21, 2022, he has not filed the state court record with this Court. Indeed, on August 4, 2022, the Clerk notified Tehuti-El that corrective action is required. Dkt. No. 9. The deficiency notice advised Tehuti-El, "It is the responsibility of the moving party to file the state court record with the Clerk's Office. Failure to comply with this requirement could result in

dismissal of this action.” Id. Despite that warning, Tehuti-El has filed neither the state court record nor any other response, and the time for doing so has passed. See 28 U.S.C. § 1447 (stating the district court “may require the removing party to file with its clerk copies of all records and proceedings in such State court”). Moreover, because Tehuti-El has failed to file the state court record, this Court is unable to determine whether it indeed has subject matter jurisdiction over this case. Tehuti-El has therefore failed to meet his burden of proving that federal jurisdiction exists. Scott v. Walmart, Inc., 528 F. Supp. 3d 1267, 1272 (M.D. Fla. 2021) (“When a defendant removes an action from state court to federal court, the defendant ‘bears the burden of proving that federal jurisdiction exists.’” (quoting Williams v. Best Buy Co., 269 F.3d 1316, 1319 (11th Cir. 2001))). Accordingly, this case must be **REMANDED** to Appling County Superior Court. See 28 U.S.C. § 1447 (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). The Clerk is **DIRECTED** to close this case.

SO ORDERED, this 23 day of August, 2022.



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HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA